

Attorney General Announces 6-Month “Safe Harbor” Under Earned Sick Time Law

May 18, 2015

On Monday, May 18, 2015, the Office of the Attorney General announced a “safe harbor” for some employers under the Massachusetts Earned Sick Time Law ([click here](#) for a summary of the law). Specifically, the Attorney General has determined that for the so-called “transition year,” which the proposed regulations ([click here](#) for a summary of the regulations) define as July 1 through December 31, 2015, an employer will be considered in compliance with the Earned Sick Time Law if the following conditions are met:

- The employer had a paid time off (PTO) policy in existence as of May 1, 2015;
- The PTO policy provides employees the right to use at least 30 hours of paid time off during calendar year 2015; and
- Between July 1, 2015 and December 31, 2015, any PTO, including sick time, used by an employee, is treated as job-protected leave subject to the Earned Sick Time Law’s non-retaliation and non-interference provisions.

In all other respects, employers who fall under the safe harbor may continue to administer PTO policies in the same way that such policies were administered as of May 1, 2015. If PTO is offered to some, but not to all, employees, the employer will be considered in compliance only with respect to the employees who receive the aforementioned PTO.

Employers who fall under this safe harbor are required to revise their PTO policies to conform with all provisions of the Earned Sick Time Law by January 1, 2016.

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